

**TESTIMONY OF JIM MORSETTE, DIRECTOR
OF THE CHIPPEWA CREE TRIBAL WATER RESOURCES
DEPARTMENT
IN BEHALF OF THE CHIPPEWA CREE TRIBE
OF THE ROCKYBOY'S RESERVATION
IN SUPPORT OF S. 438
- "THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S
RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT
ACT OF 1999" -
BEFORE THE
SENATE INDIAN AFFAIRS COMMITTEE

JUNE 30, 1999**

Chairman Campbell and Honorable Members of the Committee:

My name is Jim Morsette. I am the Director of the Water Resources Department of the Chippewa Cree Tribe of the Rocky Boy's Reservation. I am here to testify on behalf of the Tribe in support of S. 438, entitled "The Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1999." I am accompanied today by the Chairman of the Tribe, Burt Corcoran, and the Tribe's attorneys. Thank you for the opportunity to testify in favor of S. 438. I submit, for the record, the Tribe's detailed written testimony. I would also like to take this opportunity to express the Tribe's great appreciation to Senator Conrad Burns and his staff, especially Stan Ullman, and to Senator Max Baucus and his staff, and to the Chairman of this Committee, Senator Ben Nighthorse Campbell, and the staff of this Subcommittee, especially Steve McHugh, for their hard work and diligence in moving this bill forward.

S. 438, represents a milestone of momentous significance in the century-long struggle of the Chippewa Cree people to secure a viable, self-sustaining tribal homeland. The bill and the Water Rights Settlement Compact, which the bill ratifies, are the culmination of 16 years of technical and legal research, and negotiation, among the Tribe, the State of Montana, and the Administration. This bill and the Compact signal a turning point in the Chippewa Cree Tribe's history, for these documents set the foundation for the realization of the Tribe's vision of the Rocky Boy's Reservation as a self-sustaining homeland for the Chippewa Cree people. The Tribe has been working toward this end since well before 1916, when the United States set aside the Rocky Boy's Reservation for the Chippewa Cree people. Implementation of the bill and the Compact will provide the Tribe with the elements needed to successfully develop the Tribe's economy -- a long-term water supply sufficient for drinking and agriculture, and funds to put this water to use. The bill and Compact also represent the fulfillment of the trust obligation of the United States to the Chippewa Cree Tribe to provide the Tribe with sufficient water to enable the Tribe to develop its Reservation into a self-sustaining homeland for the Chippewa Cree people.

I. HISTORY OF THE TRIBE'S EFFORTS TO SECURE A VIABLE HOMELAND

A. THE LONG ROAD TO ESTABLISHMENT OF A RESERVATION

As early as 1893, our forefathers were petitioning the United States to set aside a reservation for the Chippewa Cree people in Montana, who were attempting to live and work in northern Montana as their ancestors had for centuries before them. Being without a federally set aside land base, they became known as and referred to in Montana as the "landless" Indians. The Chippewa Chief Rocky Boy and the Cree Chief Little Bear led these early efforts of our people to secure a permanent tribal homeland in Montana. In 1902, a petition by the Chippewa Cree to President Theodore Roosevelt finally prompted federal efforts to establish a reservation in Montana. Those efforts were ineffectual until federal land became available with the abandonment of the Fort Assiniboine military reserve in 1911. Chief Rocky Boy, in a letter on June 14, 1915, pleaded with Congress to set aside for the Tribe the northern portion of the military reserve which had the better land and greatest volume of water.

I and my people are anxious to have a home; to settle down and become self-supporting. Other tribes have their own land and homes; we are homeless wanderers. We are anxious to learn to farm, and if given land that can be farmed and which will be our own, we will soon be self-supporting.

Regarding the pending legislation to divide up the military reserve land between the Tribe and the local non-Indian community, Superintendent Jewell Martin, whose duties included the supervision of Rocky Boy's band, said predictably:

If they should pass the bill giving only the two south townships we will still have the Rocky Boy problem, as they will still have no home.

In 1916, Congress enacted a law setting aside the Rocky Boy's Reservation for the Chippewa Cree Indians on little more than two townships, about 55,000 acres, in the least productive southern portion of the abandoned military reserve. About 450 Chippewa Cree people settled on this Reservation. Consequently, the Reservation from the beginning did not contain adequate water or land to sustain the Tribe. The part of the military reserve that contained the best land and the most water was granted by Congress to the local non-Indian community for a recreational and sportsmen's park.

B. A WATER-SHORT RESERVATION

From the very beginning, the United States recognized that the 1916 Reservation lacked sufficient land and water to make the Reservation a viable homeland for the Chippewa Cree Tribe. The Chippewa Cree tried to farm their Reservation, which was described in Federal Annual Reports as "rough, dry unsettled section of old military reserve" and "not suited to farming." These reports, from 1918 through the 1930's, were replete with statements that the Reservation was not suited to farming, and that irrigation was difficult or not possible and more water was needed. They said

farming would not lead to self-sufficiency; stock raising was felt to be the only feasible activity, provided enough winter feed was available. These reports provide a litany of crop failures due to drought, short season, lack of equipment and horses, and a picture of dogged perseverance against these formidable odds.

Irrigation was essential to stock-raising as well. The 1937 Federal Extension Report stated that, besides being the sixth consecutive year of near complete crop failure:

The cattle industry received a severe blow this year when no feed was produced to carry the stock through the winter. The breeding stock was culled very closely and approximately fifty percent of them were put on the market. Three hundred fifty-six selected cows and one hundred thirty-eight steer calves were shipped to Dixon, Montana, for winter feeding. Thirty bulls and three milk cows are the only Indian cattle remaining on the reservation. The livestock men were very discouraged.

Commissioner Collier lamented that the Reservation was "entirely inadequate for the needs of the Indians for whose benefit it was set aside...." Due to the prevailing unfavorable crop and livestock conditions, and the lack of irrigable land and water, the Indians and the United States began to look for ways to enlarge the Reservation. During subsequent years, various Federal efforts to obtain additional land and water for the Tribe and to develop the Tribe's agricultural projects were undertaken. However, these efforts largely failed because of poor planning and implementation by the Federal Government, and because of the legal uncertainty over the nature and scope of the Tribe's water rights.

C. INEFFECTUAL FEDERAL EFFORTS TO SECURE SUFFICIENT WATER FOR THE RESERVATION

1. Poor Federal Land Purchase Decisions

In the 1930's, and 1940's the United States purchased land for the Rocky Boy's Reservation, adding approximately forty-five thousand (45,000) acres to the Reservation. Unfortunately, the additional lands did little to alleviate the Reservation's problems. The lands acquired were scattered, of poor quality, and were without significant water resources. The Chippewa Cree still could not raise enough crops or feed for stock to meaningfully improve reservation conditions. The United States recognized the Reservation was still wholly inadequate as a self-sustaining homeland. This is evidenced by the government's 1938 Land Acquisition Plan for the Rocky Boy's Reservation, which planned for a reservation of more than 800,000 acres with access to the Milk River Irrigation system - a plan which was never implemented.

In the 1930's, the United States took options for the Chippewa Cree Indians on approximately 30,000 acres, under the submarginal land program. The intent of this program was to take submarginal land out of commercial farm production forever. The program was ill-suited to the Chippewa Cree's needs; the government's ill-advised decision to utilize the program as a way to

obtain more lands for Indians was made worse by the poor land selections made, when better lands were available. The government planned to carve up the submarginal lands into subsistence farms for the Indians. But without water or sufficient irrigable land, even subsistence farming could not succeed. Before the purchases could be completed, funding for the submarginal land program fell through and the options were transferred to the Indian Reorganization Act, which allowed for purchases of lands to be added to reservations.

The Indian Reorganization Act did not require the purchase of submarginal lands. Nevertheless, rather than identifying lands better suited to the Indian's needs, against the recommendations of the Reservation Superintendent, and over the objections of the Indians and government personnel, the Indian Office accepted wholesale the badly scattered options taken under the submarginal land program.

Subsequent purchases were an effort to consolidate the scattered purchases to simplify fencing and alleviate jurisdictional problems. Even less attention was given to obtaining irrigable lands with water rights. In fact, good sources of water were sold or traded away in efforts to consolidate purchased land through land and lease exchanges.

2. Failure to Obtain and Develop Adequate Water and Land for the Tribe

In 1937, the United States developed a greatly detailed land purchase plan, which was said to be the result of the collaboration of all units of the Indian Service, and endorsed by the Tribe. Even without consideration for a normal population increase, the plan called for the purchase of an additional 660,000 acres, including 16,000 acres of irrigated land, at a cost of \$5,040,000, to serve the then-existing Reservation population of 150 families and 400 eligible homeless families. The purchase area took in part of, and was intended to benefit from, the Milk River Irrigation System. While never followed, this plan has apparently never been discarded.

From the beginning, the United States recognized that water for irrigation was needed, but did little to obtain it. The supervising engineer investigated Indian water rights and reported in 1926 that Indian rights were doubtful because of the late date of the Reservation, and that diversions by Indians from creeks should not be encouraged. The United States did not make a determination as to whether this was legally correct; instead the United States deferred continually to non-Indian interests. Thus, no irrigation project was ever built or utilized at the Rocky Boy's Reservation.

3. Failure to Provide the Tribe with a Self-Sustaining Tribal Homeland

The United States' mismanagement of tribal resources on the Reservation was at great expense to the Tribe. Poor land purchase decisions provide the most egregious example. While more suitable lands were available, purchased lands either lacked usable water rights or lacked the quality to support irrigation development. A key example is existing Bonneau Dam. This facility could have easily been designed and constructed, at a reasonable cost, at a greater storage capacity that could have been utilized to adequately irrigate the Tribe's cropland. Instead the impoundment was built at twenty-five percent of the needed capacity. As a result, the Tribal irrigation project has continuously suffered from water shortages due to lack of required supplemental storage water. Yet another

example is the chronic past under-performance of the Tribe's agricultural lands due, among other things, to lack of training, equipment and water for irrigation. In addition, thousands of acres of purchased lands were never farmed. The Tribe has suffered and continues to suffer tremendously, financially and otherwise from the United States' historic mismanagement of its resources.

The Federal Government's efforts to secure land and water for the Tribe diminished over the years. However, the Tribe never ceased to press forward in its quest for a viable permanent homeland -- a critical goal being to secure rights to sufficient water for its people and its economy.

II. THE CHIPPEWA CREE TRIBE'S NEED FOR WATER

Presently, the Rocky Boy's Reservation occupies about 125,000 acres (see attached map of the Reservation and its drainages). The Reservation has never been allotted, and all land is held in trust by the United States for the Chippewa Cree Tribe. The present population on the Rocky Boy's Reservation is about 3500. The population is expected to increase at an average annual growth rate of at least three percent. Unemployment on the Reservation is at least seventy percent. The annual per capita income of a tribal member on the Reservation is \$4,278, as compared to \$14,420 for the nation as a whole (based on 1989 dollars). The percentage of tribal members who live below the poverty level is significantly higher than that of the general population in the United States.

The current water supply systems on the Reservation were designed by the Indian Health Service (IHS) with an average daily rate of 60 gallons per capita per day (GPCPD). This is significantly below the current Montana average municipal use rate of 200 GPCPD. It is estimated that only 1400 out of 3500 Tribal people are connected to the existing system. As such, the primary sources of domestic water are well systems. Unfortunately, many private Chippewa Cree homes on the Reservation are using wells that provide poor quality water of limited quantity. Some of these localized sources are contaminated. These individuals, when possible, must be hooked up to the municipal system.

The availability of water for domestic and municipal purposes is a major concern. There is great difficulty in developing reliable wells from the groundwater aquifers. The quantity of water from the shallow aquifers on the Reservation is not sufficient for sustained domestic use. The quality of water from deeper aquifers is not suitable for domestic use, although such water may have some use in the future for certain industrial purposes. The IHS acknowledges that long-term future water supplies must come from imported sources of supply.

Wastewater treatment on the Reservation is provided by either individual septic systems or by community lagoon systems that are marginally effective under the current conditions. Because many of the Tribal wells are located in close proximity to these wastewater systems and to stock grazing areas, there is a continuing threat to the water supply from bacterial and viral contamination. Before a chlorination unit was added to the current Rocky Boy Rural Water System (System) in March, 1992, boil orders were occasionally imposed on water from the System due to contamination of one of the system wells. As the population continues to increase at a relatively rapid pace, improvements to the wastewater collection and treatment facilities will be needed to protect existing ground and surface water needs.

Current use, even at the limited IHS per capita usage level, basically utilizes all of the available developable potable groundwater supply on the Reservation. There is little potential for expanding the existing well systems. Present demands, if based on the Montana average usage rate of 200 GPCPD, cannot be met by either the well field supply or the capacity of the existing delivery system infrastructure. Supply is not available to serve the existing population on the Reservation, much less future water requirements, as demand increases by 243 percent in the year 2025 and 438 percent in 2045.

S. 438 provides funds to enlarge the Bonneau Dam and Reservoir as well as other minor storage facilities. The Tribe plans to use the water from the increased storage in Bonneau Reservoir to meet their current irrigation water storage needs and to increase agricultural development on the Reservation. However, even if storage water from an enlarged Bonneau Reservoir was to be used to supply drinking water, at the expense of the Tribe's agricultural economy, the water would be sufficient only until the year 2025. If per capita use increases to target levels, then water supply could run out as early as 2016.

Presently, there are a maximum of approximately 1100 acres of actively irrigated land on the Reservation utilizing about 2000 acre feet/year (AFY) of water. This acreage includes about 650 acres served by Box Elder Creek and about 450 acres served by Gravel Coulee and groundwater. Even this limited acreage does not receive a full water supply in one out of two years, requiring use of cropping patterns that include early season water use crops such as barley and wheat. In most years, considerably less than this noted acreage base is irrigated. The settlement contemplates the expansion of the Tribal irrigation base from 1100 acres to 2500 acres through the enlargement of two on-Reservation reservoirs, Bonneau Reservoir and Towe Ponds. The Compact provides the Tribe with approximately 7700 AFY from direct flow, storage, and groundwater from Big Sandy and Box Elder Creeks to serve the expanded Tribal irrigation base. It should be noted that the good quality storage water in an enlarged Bonneau Dam must be mixed with the poor quality Missouri Ancestral Channel groundwater resources or the groundwater supplies cannot be utilized. Without the programmed 1915 acre-feet of groundwater, less than 2000 acres of land can be irrigated. If an enlarged Bonneau Reservoir water supply is dedicated to municipal uses, then the groundwater resources allocated for use by the Tribe in the Compact for irrigation are lost. This affects about twenty percent of the Tribe's local water rights negotiated under the Compact.

Clearly, a dependable source of high quality water is needed to enable the Tribe to achieve an adequate standard of living and quality of life. An adequate supply of water is the cornerstone of economic development on the Reservation. Without an adequate supply of good quality water, the Tribe can never achieve its long-standing goal of economic self-sufficiency.

III. SETTLEMENT OF THE CHIPPEWA CREE WATER RIGHTS CLAIMS - THE COMPACT AND THE CONGRESSIONAL ACT.

The Tribe's best opportunity to obtain an adequate water supply for its current and future needs began in 1982 when the United States filed water rights claims for the Tribe in Montana water court. Subsequently, the United States, the Tribe and the State of Montana entered into negotiations to settle the Tribe's water rights claims. The Tribe constructed a water rights settlement plan to

further the ultimate goal of making the Rocky Boy's Reservation a self-sustaining homeland. The settlement plan consists of four main elements: (1) quantification of on-Reservation water and establishment of a water administration program; (2) supplementation of the on-Reservation drinking water supply to meet future population needs; (3) construction of on-Reservation facilities to deliver drinking and irrigation water; and (4) compensation for federal failure to protect the Tribe's water rights followed by Tribal release of claims against the federal government for such breach of trust. The Tribe's settlement plan would require negotiation of a Compact with the State of Montana settling issues of quantification and administration of on-Reservation water supplies. And the plan would require enactment of the bill before you today to ratify the Compact, provide a source of water to supplement the short water supply on the Reservation, authorize the construction of an on-Reservation distribution and irrigation system, and provide an economic development fund.

A. THE CHIPPEWA CREE - MONTANA COMPACT

In 1982, pursuant to state law, the Federal Government filed water rights claims in Montana water court for the Chippewa Cree Tribe. The Tribe then notified the State of Montana that the Tribe wished to negotiate a settlement of its water rights claims. At that point, the State water court stayed proceedings on the Tribe's claims pending settlement negotiations involving the Tribe, the State and the United States. The Tribe then commenced the formidable task of negotiating a compact with the State of Montana and the United States which settles its water rights claims.

On April 14, 1997, after 10 years of extensive technical studies, and five years of intensive negotiations, the Chairman of the Chippewa Cree Tribe and the Governor of Montana signed an historic water rights compact between the two governments. The Chippewa Cree - Montana Compact accomplished the first element of the Tribe's settlement plan - it quantifies the Tribe's water rights and establishes a joint Tribe/State water administration system. The Compact was ratified by the Tribe on February 21, 1997 and was approved by the Montana Legislature on April 10, 1997. The Chippewa Cree Tribe thus became the third tribe in Montana, after the Northern Cheyenne Tribe and the Assiniboine & Sioux Tribes of the Fort Peck Reservation, to agree to a water rights compact with the State. However, with few exceptions, all provisions of the Compact are subject to approval by the United States Congress.

The Compact establishes the Tribe's water rights to the Big Sandy, Box Elder, and Beaver Creeks on the Reservation, and contemplates tribal rights to supplemental water for drinking. The Compact provides for 9260 AFY from the Big Sandy Creek and its tributaries, and 740 AFY from Beaver Creek. The Tribe reserves the right to divert from surface water flows for irrigation and other uses from the Lower Big Sandy Creek, Gravel Coulee, and from Box Elder Creek. Additional water for irrigation provided by the Compact will enable the Tribe to expand its irrigation base from 1,100 acres to 2,500 acres. On Beaver Creek, the Tribe reserves the right to divert from surface water flows for recreational uses, subject to a requirement that 280 acre-feet be returned to the stream. The Compact does not address broad issues of jurisdiction over water quality. The Compact does address specific water quality concerns raised by non-Indian water users in provisions that provide (1) for Tribal releases of reservoir water for water quality maintenance on Lower Big Sandy Creek for downstream stock watering purposes (Article IV.B.1.c&d.), and (2) for the establishment of a joint Tribal/State system for monitoring salinity levels of surface and groundwater associated with the

contemplated enlargement of Towe Ponds (Article IV.B.2.b.).

The Compact also calls for Tribal administration of its water rights. The Compact specifies that any change in water use must be without adverse effect on other water users. To resolve disputes concerning water use between Tribal and non-tribal water users under the Compact, a pre-adjudication Tribal/State administrative process is established, and an adjudicatory process is established consisting of a Compact Board made up of three members: one Tribal, one local off-Reservation, and one chosen by the other two.

The Administration, while supportive of the quantification aspects of the Compact, declined to sign the Compact for the United States primarily because the issue of a supplemental water supply for the Tribe had not been resolved. With the signing of the Compact, Congressional legislation became the next step. This necessarily involved continuing negotiations with the Administration to obtain its support.

B. CONGRESSIONAL ACTION IS NEEDED TO RATIFY THE COMPACT, PROVIDE ADDITIONAL SOURCES OF WATER FOR THE TRIBE, AND PROVIDE COMPENSATION FOR THE TRIBE'S RELEASE OF BREACH OF TRUST CLAIMS AGAINST THE UNITED STATES

The Chippewa Cree - Montana Water Rights Compact, intended to permanently settle all existing water rights claims of the Chippewa Cree Tribe in the State of Montana, accomplishes one important element of the Tribe's settlement plan. The remaining three elements -- supplementation of the on-Reservation drinking water supply to meet future population needs; construction of on-Reservation facilities to deliver drinking and irrigation water; and compensation for federal failure to protect the Tribe's water rights followed by Tribal release of claims against the United States -- must be obtained through congressional action. In addition, congressional ratification of the Compact is needed to confirm the quantification of the Tribe's water rights under that agreement. Because of the permanence of the settlement once secured by congressional legislation, the Tribe seeks a settlement that provides not merely for its present water needs, but also for its future water needs.

Accordingly, each and every provision of S. 438, entitled "The Chippewa Cree of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1999," was negotiated among the Tribe, the State and the Administration over a period of one year. Thus, S. 438 has the support of all three parties - the first water rights settlement to have such support. The bill would accomplish the following:

1. Ratify the Chippewa Cree - Montana Water Rights Settlement Compact providing 10,000 AFY from surface and groundwater sources on the Reservation.
2. Authorize the appropriation of \$3,000,000 to the Tribe to perform its administration obligations under the Compact, such as the installation and maintenance of Compact-required water gages, and the staff costs associated with administration of the Tribe's Compact-related obligations. However, except for \$400,000 for capital expenditures, the Tribe may only expend the

interest on this fund for Tribal Compact administration obligations.

3. Authorize the appropriation of \$25,000,000 to the Department of the Interior for the Bureau of Reclamation for the construction of certain on-Reservation water development projects, including the enlargement of Bonneau Dam, and other designated on-Reservation dams. The Tribe expects to assume responsibility for this work under its Self-Governance Compact. The Tribe and the Bureau of Reclamation have negotiated the terms of an agreement as to the Bureau's oversight role in this work.
4. Authorize the allocation of 10,000 acre feet per year from Lake Elwell located behind Tiber Dam, a Bureau of Reclamation project, approximately 50 miles from the Reservation on the Marias River, to provide a source of future drinking water supplies for the Tribe. Lake Elwell has a capacity of almost one million acre-feet. Average annual inflows to Lake Elwell exceed 700,000 acre-feet per year. Roughly 400,000 acre-feet of this capacity is in the active storage pool, thus available for release to downstream use. The Bureau currently has entered contracts for the allocation of less than 8,000 acre-feet per year. This is due to the fact that the original Pick-Sloan plan was based on the reservoir serving 120,000 acres of new irrigated land, of which essentially none has been developed. The 10,000 acre feet in Lake Elwell replaces on-Reservation reserved water rights claims, which, under the water settlement, are released by the Tribe to satisfy existing water needs of downstream non-Indian water users. The Tribe's Lake Elwell water rights are not Winters/reserved water rights. The rights are BOR project water rights assigned to the Tribe in perpetuity by S. 438. Under the Compact, the Tribe can market its Lake Elwell project water rights for use off the Reservation. However, such marketing is expressly subject to applicable state law. *See*, 85-20-601, MCA (1997), Article IV.A.4.b.(1) and Article VI.A.1. In addition, the Compact provides that any such marketing shall not exceed 100 years; shall not be permanent; and shall not be transferred to a location outside the Missouri River drainage. *See, id*, Article IV.A.4.b. And further, the Compact gives Milk River water users the right of first refusal in any marketing of Lake Elwell water rights outside of the Milk River drainage. *See, id*, Article IV.A.4.b. If any precedent is set by the Chippewa Cree water rights settlement as to the right of tribes to market water off the reservation, it is only that such rights must be negotiated with the affected states and non-Indian water users to mitigate any concerns raised to the satisfaction of all parties. The allocation of Lake Elwell water does not impose on the United States a present obligation to develop or to transport the allocated water to the Rocky Boy's Reservation. However, the bill authorizes other appropriations intended to pave the way for the future importation of water to the Reservation.

- a. \$1,000,000 is authorized to be appropriated to the Department of the

Interior, through the Bureau of Reclamation, to perform a municipal, rural, and industrial feasibility study of water and related resources in North Central Montana for the purpose of evaluating alternative means of transporting needed water to the Reservation. (\$3,000,000 is authorized to be appropriated to the Department of the Interior for a regional feasibility study of water and related resources in North Central Montana.)

- b. \$15,000,000 is authorized to be appropriated to the Department of the Interior for the Tribe to be used as seed money for future water supply facilities needed to import drinking water to the Rocky Boy's Reservation consistent with the agreement of the Tribe, the State, and the United States that importation of water is necessary to meet the current and future drinking water needs of the Tribe. However, the Tribe expects that it will be required to return to Congress in the future for additional moneys to fund the final design of a future water importation system.

- 5. Authorize the appropriation of \$3,000,000 for a Tribal economic development fund.

The Tribe may expend the funds appropriated for the Rocky Boy's Reservation feasibility study and for Tribal Compact administration obligations immediately upon appropriation. However, all other funds may not be expended by the Tribe until a final decree is entered by the Montana water court dismissing the Tribe's water rights claims. Upon entry of the final decree and appropriation of the funds authorized by S. 438, the Tribe's waiver and release of damages claims against the United States will become effective.

The history of the United States' breach of trust toward the Chippewa Cree Tribe — poor land choice decisions, poor land management, and failure to obtain sufficient water for, or to protect the little water available to, the Rocky Boy's Reservation, justifies a substantial federal contribution to the Chippewa Cree water settlement in the form of authorization of federal projects and an economic development fund. By enacting S. 438 the United States will at long last set a firm foundation for providing sufficient water to support the Rocky Boy's Reservation as a viable, self-sustaining homeland for the Chippewa Cree Tribe.

IV. CONCLUSION

S. 438, pending before this Committee today, represents the culmination of many years of hard work on the part of many people. The bill has the support of the Tribe, the State of Montana, and the Administration. It ratifies a water settlement Compact that has the support of the State of Montana, the Tribe's non-Indian neighbors, and the Tribe. And it resolves the Tribe's water right related claims against the United States in a fair and reasonable manner. The Chippewa Cree Tribe urgently requests that S. 438 be enacted into law during this first session of the 106th Congress.

